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Minutes of the Regular Meeting  
of the  
San Luis Obispo County Planning Commission  
Thursday, November 10, 2005

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Minutes of the Regular Session of the County Planning Commission held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA, at 8:45 a.m.

PRESENT: Commissioners Bruce Gibson, Penny Rappa, Eugene Mehlschau, Sarah Christie and Chairman Bob Roos

ABSENT: None

STAFF

PRESENT: Victor Holanda, Planning Director  
Warren Hoag, Principal Planner/Current Planning  
Martha Neder, Planner  
Terry Wahler, Planner/Long Range Planning  
Matt Janssen, Supervising Planner/Coast/Current Planning  
Andrea Miller, Planner, Graphics/Long Range  
Kim Murry, Principal Planner, Information Services  
Marsha Lee, Planner, Current Planning/Coastal  
Nancy Orton, Supervising Planner  
Greg Camock, Code Enforcement, North County  
Steve McMasters, Environmental Specialist  
Karen Nall, Planner/Public Information

OTHERS

PRESENT: Richard Marshall, Public Works

The meeting is called to order by Chairman Roos.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of November 10, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT	No one came forward.
STAFF UPDATES	
Warren Hoag, staff	Discusses schedule for the holidays, with the Planning Commission hearing to be scheduled for Wednesday, November 30, 2005. Permit center now in Room 200. Give update regarding the Planning and Building Department move and where everyone is going. States the Records Management unit will be closed on November 18, 2005. Discusses retreat date as being on a Friday in late January, probably the fourth Friday.
Commissioner Christie	Announces that on November 30, 2005, the California Coastal Commission is conducting a public workshop on Agriculture Land Preservation.

CONSENT  
AGENDA

- a. **FILE NO. AGP2004-00025** - Proposal by Alvin Algee to alter the boundaries of an existing agricultural preserve and contract on approximately 169 acres by adding an adjoining 0.5 acre parcel under the same ownership. The project site is approximately 0.5 acre within the Agricultural land use category and is located along La Panza Road at the intersection of La Panza and Little Farm Road, approximately 1 mile north east of the community of Creston. The site is in the El Pomar-Estrella planning area ASSESSOR PARCEL NUMBER 042-211-004, SUPERVISORIAL DISTRICT 5.
- b. **FILE NO. AGP2005-00008** - Proposal by James Cushman to alter and expand the boundaries of an adjacent agricultural preserve to include this site to enable the landowner to enter into a land conservation contract. The project site consists of 78 acres within the Agricultural land use category and is located at 1515 Willow Creek Road approximately 5.5 miles northwest of Templeton. The site is located in the Adelaida planning area. ASSESSOR PARCEL NUMBER 039-031-008, SUPERVISORIAL DISTRICT 1.
- c. **FILE NO. AGP2004-00022** - Proposal by Paso Robles Vineyard to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The site consists of approximately 808 acres within an 851 acre Agricultural Cluster Subdivision. The site is located in the Agricultural land use category along Linne Road adjacent to the City of Paso Robles. The site is in the El Pomar-Estrella and Salinas River planning areas. ASSESSOR PARCEL NUMBERS 020-151-003, 020-161-005, 020-211-006, 011, 020-271-025, 026, 026-211-034 SUPERVISORIAL DISTRICT 1.
- d. **FILE NO. AGP2005-00005** - Proposal by Brave Oak Vineyards, LLC to alter the boundaries of an agricultural preserve by adding approximately 41.5 acres, rescinding an existing contract and entering into one of two new contracts (Contract No. 1). The project site is located at 6675 Airport Road approximately one mile south of the intersection of Airport Road and Estrella Road, approximately  $\frac{3}{4}$  of a mile north of the City of Paso Robles. The site is in the Salinas River Planning Area. ASSESSOR PARCEL NUMBERS 026-183-052 and 053, SUPERVISORIAL DISTRICT 1.
- e. **FILE NO. AGP2005-00009** - Proposal by Brave Oak Vineyards, LLC to alter the boundaries of an agricultural preserve by adding approximately 44.2 acres, rescinding an existing contract and entering into one of two new contracts (Contract No. 2). The project site is located at 6675 Airport Road approximately one mile south of the intersection of Airport Road and Estrella Road, approximately  $\frac{3}{4}$  of a mile north of the City of Paso Robles. The site is in the Salinas River Planning Area. ASSESSOR PARCEL NUMBERS 026-183-052 and 053, SUPERVISORIAL DISTRICT 1.
- f. **FILE NO. AGP2003-00004** - Correction of the Minimum Parcel Size Provision for Michael Grissom Preserve and Contract Amendment for a previously approved application to amend the boundaries of an existing agricultural preserve and enter into a new contract to reflect a lot line adjustment. The site is located about three miles east of the town of Creston along Ryan Road in the El Pomar/Estrella Planning Area. ASSESSORS PARCEL NUMBERS: 043-093-018, 019, 020 & 022. SUPERVISORIAL DISTRICT 5.
- g. August 10, 2005 Planning Commission meeting minutes.  
August 11, 2005 Planning Commission meeting minutes.

Commissioner Gibson	Requests clarification on Items d and e. Discusses both parcels being under contract.
Terry Wahler, staff	Clarifies Item d. referring to Page d-6. Discusses where property lines were moved, Williamson Act contracts, expanding preserve areas
Commissioner Mehlschau	Requests clarification of minimum contract and 20 year term with staff responding to clarify.
Warren Hoag, staff	Discusses 20 year term contracts, and 10 year contracts. Clarifies this is a minimum of 20 year contract.
<b>Motion</b>	<b>Fully discussed and thereafter, on motion of Commissioner Mehlschau, seconded by Commissioner Gibson, and unanimously carried, the Consent Agenda items A, B, C, D, E, F and G, approved as presented.</b>
<b>NORTH COAST AREA PLAN</b>	Continued hearing to consider a request by the <b>COUNTY OF SAN LUIS OBISPO TO 1) update and amend the Cambria and San Simeon Acres community plan portions of the NORTH COAST AREA PLAN (Part II of the Land Use Element and Local Coastal Plan, and part of the Circulation Element). The area plan is being updated to reflect current land use, transportation, population, environmental, and economic conditions and community desires within the communities of Cambria and San Simeon Acres. The communities of Cambria and San Simeon Acres are located within the North Coast Planning Area of San Luis Obispo County. This planning area is bounded by the Monterey/San Luis Obispo County Line to the north, Point Estero to the south, and to the east the Coastal Zone boundary below the main ridge or the Santa Lucia Range. The update includes a number of changes to goals, policies, programs, land use categories, combining designations, and planning area standards; 2) amend the Cambria Design Plan by a) revising and moving development standards to the area plan; and b) modifying various guidelines including those related to lighting and the Moonstone Beach Drive streetscape; and 3) amend the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands. County File No. LRP2004-00024. Supervisorial District 2.</b>
Martha Neder, staff	Gives updates to North Coast Area plan in reference to correspondence received. Discusses consideration of replacement pages given to PC and final recommendations to the Board of Supervisors.
Chairman Roos	Requests clarification regarding packet going to the Board of Supervisors with staff responding.
Commissioner Christie	Discusses water allocations, CCSD, affordable housing, recommendation to Board of Supervisors, building allocations, California Coastal Commission letter, amendment of growth management ordinance in order to stop stockpiling water allocations, and the two build out alternatives given.
Commissioners Mehlschau and Christie	Discuss enforcement of minimum water allocations.
Tim McNulty, County Counsel	Clarifies growth management ordinance language amendment.
Commissioners	Discuss language and amendment to the Growth Management Ordinance discussed

Martha Neder, staff	Clarifies revised findings for the environmentally superior alternative for build out.
John Hoffschroer, staff	Discusses population, 1.66 persons per dwelling unit.
Commissioner Gibson	Discusses Chapter 7 findings of fact, Page 14 memo regarding significant impacts which cannot be avoided, and alternative C. Page 19 regarding decreased development plan alternative
Martha Neder, staff	Clarifies securing additional water supply being under the purview of the CCSD. Suggests language, stating conclusion by the Planning Commissioners of the superior alternative will be in the front of packet to go to the Board of Supervisors and will be clear to them.
PUBLIC COMMENT	
Bill Allen	Cambria resident discusses Chapter 7 findings, alternative C, and believes this is in contradiction to the meeting he attended two weeks ago.
Wayne Ryburn	Representing the North Coast Alliance. Discusses decreased development alternative, and vacation rentals impacting population figures.
John McGary	Resident of Cambria. Comments on the community plan discussions and thanks staff for their competence, attention to detail, and their commitment to this process. Discusses Page 19, and states the decreased development plan is the environmental superior alternative.
Casey Kempenar	Discusses his concern for loss of property rights, development of property, lot size reduction, and says the commission is going against the Board of Supervisors Smart Growth Principals.
Dennis Damien-Lynch	Morro Bay resident and landowner in Cambria. Discusses increased responsibilities of property owners, disrespect by surrounding land owners, weed abatement services performed by hand, disregard by neighbors of property boundaries, property rights, and growth cap negating property owners potential dreams of development.
Bob Gressens	CCSD available for questions. Discusses correspondence addressing mitigation concerns, decreased development number, and build out reduction plan being developed by CCSD.
Martha Neder, staff	Discusses proposed language changes by adding a document after the title page stating this is the Planning Commission's recommended draft with the statement "considered to be the environmentally superior alternative because of water supply and traffic".
Commissioner Christie	Discusses reduced impacts, and environmentally Superior Alternative language.
Commissioner Rappa	Discusses Planning Commissioner's recommendation to the Board of Supervisors. Requests clarification regarding decreased alternative, and confusion regarding overriding considerations.
Tim McNulty, County Counsel	Clarifies adoption of environmentally superior alternative, Planning Commission making findings for such, and making a statement of overriding considerations.
Commissioner Gibson	Discusses plan, which is being adopted, and specific findings to be made under CEQA.
Commissioner Christie	Adds language to Planning Commission's recommendation to Board of Supervisors, "placing less demand on water supply and other resources.

Martha Neder, staff	Discusses change to: "Reduction of Alternatives" section on Page 17, and insertion of additional language "while the decreased development plan alternative achieves the project goals and is environmentally superior to the project initially described in the EIR it is not environmentally superior to the project as revised by the Planning Commission".
Tim McNulty, County Counsel	Discusses changes to the language, Discusses court case in Santa Barbara regarding the amendment to the LCP and states that the courts found that it was not necessary to do a CEQA analyst.
Chairman Roos and staff	Discuss concerns regarding property and development rights being taken away.
Tim McNulty, County Counsel	Discusses land use plan working in conjunction with the CCSD's lot reduction plan. States this has not been incorporated into the LCP.
Commissioner Rappa	Requests clarification regarding Minor Use Permit applications in the Cambria area with staff responding.
Commissioner Christie	Discusses letter from California Coastal Commission dated November 8, 2005. States there should be a document put forward utilizing the changes addressed by the letter.
Chairman Roos, Commissioner Christie, and staff	Discuss timing that the California Coastal Commission letter was received, shortages in employees, and addressing issues in the letter.
Commissioner Gibson	Agrees the timeline in receipt of letter to be unfortunate.
Motion	<b>Thereafter on motion by Commissioner Gibson, seconded by Commissioner Mehlschau, and carried, with Commissioner Christie voting no, approval of the Cambria and San Simeon Acres community plan, portions of the North Coast Area Plan, including related amendments to the Coastal Zone Land Use Ordinance and the Cambria Design Plan with revised changes, as shown in Exhibits B, C, D, E and F based on the recommended findings in Exhibit A, and recommend the certification of the Final Environmental Impact Report pursuant to the applicable sections of the California Environmental Quality Act (CEQA)</b>
Item 2	Hearing to consider a request by <b>FRANK PARNEL</b> for a Variance/Coastal Development Permit to allow a setback variance of the rear and side setbacks for a 675 square foot enclosed patio structure with walls built on the property line. This project is already built as an approximately 2,846 square foot residence. The building is constructed at the rear property line and at the side property line for a portion of the structure. The proposed project is within the Residential Multi-Family land use category and is located at 1560 Strand Way in the community of Oceano. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves. The site is in the San Luis Bay (coastal) planning area. <b>County File No: DRC 2004-00224</b> . Assessor Parcel Number: 061-061-033. Supervisorial District: 4. Date Accepted: August 23, 2005.
Commissioner Roos	Discloses having been handed correspondence at beginning of meeting for this project from agent for the project.
Marsha Lee, staff	Presents staff report and shows overhead of the project.

Commissioner Christie	Requests clarification on whether a Coastal development permit was applied for. Discusses construction of the patio without a permit.
Commissioner Mehlschau	It appears this structure was built without a building permit and as thus will deny application
Commissioner Gibson	Discusses fire department and structure.
Commissioner Rappa	Requests clarification on Page 2-36, 37, and 38 with staff responding. Page 2-38 year date stamp is illegible. Discusses 1987 issuance of first building permit.
Matt Janssen, staff	Clarifies types of permits issued and proposal of second story addition, however there is no history of first floor addition.
Chairman Roos	Discusses plot plan on Page 2-43 and asks if project was signed off by the inspector.
Matt Janssen, staff	States the building inspector was to inspect work that was permitted.
Jim Orton, County Council	Discusses La Mesa case and issuance of permit, states construction was in accordance with approved permit. Discusses what was built when the inspector inspected and speculation involved.
Commissioner Christie	Discusses lower deck, which appears to never having been permitted.
John Belcher	Attorney for applicant. States applicant was surprised when they received the notice from the Planning and Building Department. Discusses process by which applicant has built structure, definitions, acceptance to allow a variance. Gives history of project. States this is the first time he knew the California Coastal Commission was involved. Cites Anderson vs. La Mesa case. Presents inspection card on overhead, discusses sign-offs and final inspection on patio enclosure. States applicant is struggling with definitions of legalities. States Planning Commission is not granting a special exception. Presents photographs of project and surrounding residences. Requests that the variance be granted.
Mitch Cooney	General Manager of the Oceano CSD. Requests variance be denied.
Commissioner Gibson	Discusses fire safety and signing off on plans for new construction, fire safety and access.
Chairman Roos	Discusses access pathway and discusses Mr. Cooney's concerns regarding fire access.
Commissioner Rappa	Questions Mr. Cooney regarding if the Oceano CSD has a proactive program to address proposal of projects. States this situation is detrimental due to possible fire in the area and no access for emergency services.
Commissioner Christie	Asks if there are any CSD's that have land use planning enforcement divisions with Mr. Cooney responding that he does not believe CSD's have that ability.
Linda Austin	Resident of Oceano. Requests denial of variance. Presents overhead photographs depicting the setback. Cites Anderson vs. La Mesa.
John Belcher	Attorney representing applicant. States case law regarding violation of code. Discusses access in homes in the area. States this "episode" is a result of complaints received. Would like an exemption granted for the property owner for a variance.
Chairman Roos	Refers to rain gutter and existing tiles that extend over Ms. Austin's property.
John Belcher	States this will be a future civil litigation action should the neighbor pursue it.

Commissioner Gibson	Refers to the 1987 and 1997 permits issued during those years.
John Belcher and Commissioners	Discuss permits and inspections completed.
Commissioner Rappa	Refers to Page 2-39 and asks Mr. Belcher if it is his contention that the lower patio/enclosure is noted on the plot plan with Mr. Belcher stating yes.
Commissioners and staff	Discuss Page 2-39, the plot plan, and approved plan of a concrete patio.
Chairman Roos	States he would support staff's position to deny request for a variance.
Commissioner Gibson	Discusses findings the Planning Commission must make in order to grant the variance.
Jim Orton, County Council	Discusses the La Mesa case and setbacks.
Motion	<b>Matter is fully discussed and thereafter, on motion of Commissioner Mehlschau, seconded by Commissioner Christie, and carried, with Commissioner Rappa voting no, to deny request for Variance/Coastal Development Permit DRC2004-00224, to Frank Parnel based on Findings in Exhibit A.</b>
Item 3	Hearing to consider an appeal by <b>JIM AND JULIE MCDUGALL</b> of a Planning Director determination (pursuant to Land Use Ordinance Section 22.70.050) that pot-bellied pigs are similar to hogs and swine and are subject to the ordinance standards for the keeping of these animals. The property is within the Residential Single Family land use category, is approximately 11,860 square feet, and is located at 1730 Peacock Place in the community of Oceano. The site is in the San Luis Bay Planning Area. <b>County File No: None.</b> Assessor Parcel Number: 062-303-021. Supervisorial District 4.
Nancy Orton, staff	Presents staff report and shows overhead of the project.
Chairman Roos	Discloses he visited the site and discussed situation with the applicants.
Commissioner Christie	Requests clarification regarding whether any staff noticed any other animals besides pigs on the property, with staff responding that there are also four dogs.
Commissioner Mehlschau	Requests clarification regarding whether there are any cats, with staff responding yes, there are 2. This would make it a total of 10 animals on the property, 4 pigs, 4 dogs, and 2 cats.
Nancy Orton, staff	Discusses setback requirements as being 100 feet away from other dwellings, and setbacks for "exotic" animals.
Commissioners and staff	Discuss a letter from Animal Services, setbacks, and pot-bellied pigs' descriptions.
Jim McDougal, Appellant	Shows PowerPoint presentation regarding the history of pot-bellied pigs. Discusses research he completed to determine if pot bellied pigs are allowed in Oceano. Cites SLO County Animal Services Department and states he was told that in unincorporated/residential areas they are allowed as many pets as they would like. States he was told repeatedly there were no restrictions on pot-bellied pigs. Discusses receipt of complaint and contact with Code Enforcement. States he was informed by Planning that he needed 2 and one half acres to accommodate the pigs. Gives timelines for receipt of Director's Interpretations. Discusses nuisance factors. Cites county Environmental Health visit in May 2005. Recommends ordinance should be changed from not-bellied pigs being

	described as farm animals to being domestic household pets.
Dr. Eric Anderson, SLO County Sheriff's Department Animal Services Division	Clarifies the definition of "Pot Bellied" pigs. Discusses Title 9 and it having no limitation on the amount of pets that a person can have. Title 9 clarified.
Chairman Roos	Requests clarification regarding the difference between an agricultural animal and a domestic animal, with Dr. Anderson responding that pot bellied pigs are considered domestic animals.
Commissioner Christie	Requests clarification regarding land use ordinances and whether the Animal Services staff is familiar with the codes and laws.
Dr. Anderson	States there are non-traditional circumstances such as is in this case. States there is a dichotomy between Animal Services, Title 9, and an omission between the limitations issue in the unincorporated areas.
Commissioner Gibson	Discusses letter in which Animal Services defines the pot-bellied pigs as exotic pets rather than livestock. Discusses nuisance issues, which the Animal Services division takes care of.
Commissioner Rappa	Requests clarification on whether Animal Services was solicited regarding his opinion on defining the pot bellied pig as exotic vs. livestock, with Dr. Anderson responding
Charlie Sotillo	States his objection to the McDougall's pot bellied pigs.
Chairman Roos	Views Mr. Sotillo's property on the overhead.
Dale Klige	States his objection to the McDougall's pot bellied pigs referencing flies and unpleasant odors. Discusses the wild peacocks he feeds, his lot size, and neighboring lot sizes.
Justin Holsten	States Mr. McDougall is his stepfather. Discusses neighbors, family's cleanliness, and control of odors due to feces control.
Jim Sievers	Reads letter from he & his wife on the behalf of the McDougalls.
Barbara Marsh	Santa Inez resident, Julie McDougall's mother. Reads letters previously entered into the record.
Jim McDougall	Appellant. Thanks staff and Planning Commission for their time. Discusses Animal Services and feels they acted in good faith and states he trusted Animal Services word that they would be allowed an unlimited amount of pets. Addresses Mr. Carillo and Mr. Klig's issues. States he is willing to move the pig house in order to keep the peace with his neighbors.
Chairman Roos	States during his visit to the McDougall's property there did not appear to be an excessive amount of feces. States he did smell a pig odor coming from the backyard, mainly coming from the older pig.
Commissioner Mehlscau	Discusses the number of animals on the size of the lot they live on. States he believes there are too many animals for this size lot.
Commissioner Gibson	Requests staff provide an assessment of the conditions of the yard and the pigs.
Kari Scamara, Enforcement	States when she visited the site in the fall it was clean and there was no odor.



Commissioner Gibson	Discusses interpretation of pot bellied pigs as domestic animals or livestock, licensing of animals, and considers the pigs as being defined as livestock
Chairman Roos	Discusses conflicts with policies, and lack of ordinance to address issues such as this.
Commissioner Rappa	States she believes the McDougall's made every effort in determining the amount of animals they were allowed to have. Discusses property in question and impacts to the neighbors should a variance be adopted.
Commissioners	Discuss the land use ordinance as being their guide in making their decision.
Nancy Orton, staff	States the Planning Department has already determined that a Pot Bellied Pig is considered Hog and Swine. States the Planning Commissioners could interpret this differently, or agree with the Planning Director's determination.
Jim Orton, County Council	States the Planning Commission is also providing guidance, once this is completed, as to what sort of animals can be kept on the site. States as he reads the ordinance only three animals can be kept on the site and if the Planning Commission finds that pigs are not other household pets they cannot be part of that mix, however if the Planning Commission decides that pot bellied pigs are household pets then it could be part of the mix of three. States this decision is based on the Planning Commissioner's interpretation of the ordinance.
<b>MOTION</b>	<b>Thereafter on motion by Commissioner Mehlschau, seconded by Commissioner Christie, and carried, with Commissioner Rappa voting No, to deny the appeal based on the Findings in Exhibit A.</b>
Item 4	Hearing to consider a request by <b>SHEAR EDGE DEVELOPMENT</b> for a Vesting Tentative Tract Map/Development Plan/Coastal Development Permit to subdivide an existing 0.67 acre parcel into twelve parcels ranging from 784 square feet to 4,658 square feet each for the development of fourteen individual residential units (to be sold and/or rented) within nine separate buildings. The project will result in the demolition of the existing schoolhouse building and grading of the site resulting in disturbance of the entire 0.67 acre parcel. The project includes off-site street improvements which include widening and installing curb, gutter, and sidewalk along San Luis Street. The proposed project is within the Residential Multi-Family land use category and is located at 190 San Antonia Street, on the corner of San Antonia Street and San Luis Street in the community of Avila Beach in the San Luis Bay (coastal) planning area. <b>County File No: SUB2004-00259/TR2667.</b> Assessor Parcel Number: 076-221-003. Supervisorial District 2. Date Accepted: August 5, 2005.
Ryan Hostetter, staff	Presents staff report. Discusses historical information received regarding the site. Based on this info staff requests a continuance to further evaluate possibilities for relocating schoolhouse.
Lucy Lepley	Questions Planning Commission regarding when this item will be brought back with Planning Commission responding they cannot predict a date. Discusses committee to save the Avila Schoolhouse and states they want to keep it on the site it is currently located.
Commissioner Christie	Asks Ms. Lepley if she could move the schoolhouse to a different location on the same site.
Bob Martin	Would like a timeframe with staff responding a timeframe cannot be given.
Anne Brown	Avila Beach resident. States Mr. Andrew Mirium is not here today because they were told there would be a continuation. He will come to the next meeting to speak.
Archie McLaren	Chair of subcommittee for AVAC. States he is in agreement with a continuance.

Steven McMasters, staff	Discusses additional information brought in, determination for an E.I.R. States this could potentially take a year. States there could be a revised Negative Declaration.
Ryan Hostetter, staff	States she has not discussed any time line with Andrew Mirium. States it is up to the Planning Commission to determine a date.
Motion	<b>Matter discussed, and thereafter, on motion of Commissioner Rappa, seconded by Commissioner Mehlschau, and unanimously carried, to continue the above item off calendar.</b>
Commissioner Gibson	Discusses historical obligations, CEQA, vacation rentals, and styles/colors proposed for the project.
Item 5	Hearing to consider a request by <b>SCOTT AND BARBARA STELZLE</b> for a Conditional Use Permit to allow 1) the establishment of an approximate 6,400 square foot winery and tasting room, including a 1,200 square foot secondary dwelling, and 2) conversion of an existing 1,900 square foot barn into a two unit, Bed and Breakfast. The project will result in the disturbance of approximately 20,000 sq ft of a 10 acre parcel. The proposed project is within the Agriculture land use category and is located at 1795 Las Tablas Road adjacent to the urban reserve line of the community of Templeton, in the Salinas River planning area. <b>County File No: DRC2003-00048.</b> Assessor Parcel Number: 040-211-004. Supervisorial District 1.
Karen Nall, staff	Presents staff report. Gives corrections and clarifies what types of buildings are allowable.
Chairman Roos	Discusses bed and breakfast language, and conditions.
Kami Griffin, staff	Clarifies this to be Condition 10 on Page 5-12. Discusses architectural interests.
Commissioner Christie	States she is not comfortable with the interpretation of the ordinance.
Commissioner Gibson	Discusses a solution as being in Condition 10, and having the language changed.
Commissioner Rappa	Is in agreement with Commissioner Christie
Commissioner Mehlschau	Is in agreement with Commissioner Gibson regarding adding language to Condition 10.
Jamie Kirk	Representing the applicant. Addresses issues regarding wine processing currently being done on site, the bed and breakfast being built in the future, and secondary dwelling.
Chairman Roos	Requests clarification from Ms. Kirk with Ms. Kirk responding
Jim Orton, County Council	States after the Conditional Use Permit is approved; they have two years to get the project established and 3 one-year extensions. They would need to come back for a permit if construction wasn't started in that time frame.
Chairman Roos	Discusses any substantial changes and is in agreement with the changes Mr. Gibson suggested.
Commissioner Christie	Page 5-5, states she didn't see any conditions prohibiting special events. Discusses winery as a visitor serving facility, with staff responding.
Motion	<b>Matter is fully discussed, and thereafter on motion of Commissioner Rappa, seconded by Commissioner Gibson, and unanimously carried, to adopt the Negative Declaration in accordance with the applicable provisions of the California</b>

	<p><b>Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION 2005-058, to grant a Conditional Use Permit to SCOTT AND BARBARA STELZLE, based on findings listed in Exhibit A, and based on the conditions listed in Exhibit B, with <u>Condition 2</u> amended to read: “<i>This approval also authorizes the conversion of an existing 1,900 square foot barn into a three unit, bed and breakfast</i>”; <u>Condition 4a</u> amended to read: “<i>Revised parking to conform to the required spaces for each phase as follows: Winery w/ secondary unit - 6 spaces required; Bed and Breakfast- 5 spaces required</i>”; Total spaces required on site = 11”</b></p> <p><b><u>Condition 10</u> amended to read: “Prior to issuance of construction permits for the bed and breakfast, the applicant shall submit evidence that the winery is operational”</b></p> <p><b>Condition 20 add “and Condition 2”, after the words “Condition 1” in the first line, adopted.</b></p>
Item 6	<p>Hearing to consider a request by <b>MISSION GARDENS ESTATES, INC.</b> for a Vesting Tentative Tract Map and Conditional Use Permit to subdivide three existing parcels totaling 50.55 acres into: 58 residential parcels ranging from 5,360 square feet to 12,500 square feet, one residential parcel of 4.75 acres, one 11.16 acre open space parcel with a 6,000 square foot building envelope, for the purpose of sale and/or development, and one non-buildable open space parcel of 20.22 acres and a 2.43 acre remainder lot. The project includes off-site road improvements. The project also includes rectifying illegal grading that occurred in 2003. The project will result in the disturbance of approximately 13 acres of a 50.55 acre parcel and 30,000 cubic yards of cut and fill. The division will create four on-site roads. The proposed project is within the Residential Single Family land use category and is located approximately 480 feet south of 11<sup>th</sup> St., east of and adjacent to the Union Pacific Railroad tracks, in the community of San Miguel. The site is in the Salinas River planning area. <b>County File Number: S030011U/TR03-2527.</b> Assessor Parcel Number: 021-361-003. Supervisorial District: 1. Date Accepted: January 6, 2004.</p>
Chairman Roos	Discloses he visited site.
Commissioner Gibson	Discloses his site visit.
Steven McMasters, staff	Presents staff report. Presents history of project. Determined there were significant impacts. Discusses components of mitigation, memorandum of revisions to Condition 44C.
Chairman Roos	Requests clarification on Condition 44 as actually being Condition 46 with staff responding it is actually Condition 46.
Chairman Roos	Requests clarification regarding agricultural grading process with staff responding. Discusses letter referring to area during the period of WWII this was used for housing. Would like to know where the \$1.8 million will be spent. Questions artifacts being kept in place in neighboring yards.
Steve McMasters, staff	Clarifies grading of area and historical artifacts found. Discusses grading without a permit by applicant. Addresses \$1.8 million and creating a fund toward additional studies. Addresses neighboring yards as being a slope as a separate lot, and the backyards will begin at the bottom of slope.
Commissioner Mehlschau	Requests visual and questions where the diocese property is in relation to large red square with staff clarifying. Requests clarification on 100% sampling with staff responding.
Commissioner Rappa	Requests if there was any further discussion within the advisory group with staff responding. States concern for grading on property, which does not belong to applicant. Discusses involvement of the diocese, funding and resources.

Steve McMasters, staff	Responds to Commissioner Rappa's concern regarding resources. States determinations of resources lost, and funded money.
Commissioner Gibson	Discusses mitigation for illegal grading, and additional mitigations.
Jim Orton, County Council	States this could be part of the items that could be mitigated.
Steve McMasters, staff	Clarifies code enforcement actions regarding the grading of the area. Discusses a requirement for fencing to prevent access to area by kiln, 100 year flood plane
Kami Griffin	Discusses policy regarding building within a flood hazard and defers to Public Works for any follow up questions.
Richard Marshall, Public Works	States he is available for questions.
Commissioner Gibson	Requests clarification on Condition 66, Page 6-26.
Jim Orton, County Council	States this condition is authorized in map Act and can be placed.
Commissioner Christie	Requests status on violations to date. Discusses open space parcel, concerns with the proposed trail being close to the Salinas River, getting applicant to bond for maintenance of trail
Steve McMasters, staff	Gives clarification as violation was grading without a permit for which the fine was \$5,000.00. Discusses mitigation for violations, buildable open space parcel identified as lot #60.
Kami Griffin, staff	Clarifies provisions the ordinance allows for a 1,600 square foot building site on the open space parcel.
Jan DiLeo, County Parks & Rec.	Clarifies determination of location of trail. Discusses the 25' trail easement, the use of the river as a trail corridor, and maintenance of the corridor.
Jim Orton, County Council	Commission can require reasonable on site improvements.
Richard Marshall, Public Works	Would like Planning Commissioners to notice additional blue page submitted for the staff report. Clarifies reasoning condition language added.
John Belcher	Representing Bud Wimer. Presents a PowerPoint presentation. Discusses grading issue, issuance of grading permit for placement of soil onto the property, off set stakes put on property line, and handout copy of grading permit. Clarifies off set grading stakes, and boundary of grading occurring. Submits letter received from "Friends of the Adobes" for the record. Discusses expenses to client and provides more handouts. Feels setting up a fund will be legal.
Steve McMasters, staff	Clarifies the boundary of grading was approximately 22 and one half feet.
John Burch	Representative of the councils of the Salinan Indian tribe. Discusses desire to assist in the consultation process. States the Salinan tribe has not been consulted regarding this project. Discusses cultural resources as being visual and non-visual stating the non-visual is of the up most concern.

Shirley Macagni	Member of Salinan tribe. Gives history of her people who lived at the mission. They need notification when there is development occurring near their ancestor's site.
Patty Dutton	Cultural Resource Specialist volunteering for the Salinan Tribe. States the tribe requests further archeological research. Discusses revised plan, alternative three, and gives changes the council would like to see.
Bud Wimer	Property owner surrounding mission property. States he bought the property in the 70's and he asked the mission permission to farm that area. Discusses property containing city water, sewer, and grading.
John Fowler, CPA	With diocese of Monterey. Discusses involvement with project since illegal grading took place, inspection of area, and discussions with applicant regarding the illegal grading, access to resources, and concerns about fence at the toe of the slope as to whether it will be adequate in the future.
Chairman Roos	Asks Mr. Fowler for clarification regarding archeological interests with Mr. Fowler stating has been no discussions on this point.
Commissioner Christie	Discusses court-imposing penalty of \$5,000 for grading violation. States diocese could have perused applicant for trespassing and questions why diocese has taken a hands off approach to their property.
John Fowler	States discussions are continuing with the applicant.
Robert Hoover	Discusses his availability for any questions.
Chairman Roos	Requests if Mr. Hoover saw any evidence of under ground sewer, water lines, concrete foundations, but states he did not but is not surprised.
Commissioner Christie	Discusses degradation of integrity of archeological resource.
Robert Hoover	Addresses Commissioner Christie's concerns regarding adobe, and integrity of artifacts.
Discussion on grading and interpretation of grading stakes	
John Foster	Discusses area graded, mapping of area, out line of Neophyte quarters, and figures representative of area originally graded at a cost of \$1.8 million.
Commissioner Gibson and John Foster	Discusses volume and area disturbed by grading, displacement of material, depth of Neophyte flooring
<b>COMMISSION RAPPA IS NOW ABSENT</b>	
Chairman Roos	Requests clarification on WWII housing and sewer at site as to why this was not discovered during unauthorized grading of property.
Douglas Wood	Clarifies evidence of prior housing as being beyond extent of the unauthorized grading.
Steve McMasters, staff	Clarifies calculations after subsequent work using evidence that they had on hand.
Lynn Schmitz	Discusses a house on the site in which nuns lived and states the house was not located close to the slope where the illegal grading occurred.

John Belcher	Discusses his concerns regarding the \$1.8 million penalty. Offer to put in a museum for the Salinan Tribe. States project will be bankrupt.
	<b>COMMISSIONER MEHLSCHAU IS NOW ABSENT.</b>
Steve McMasters, staff	Discusses the code section Mr. Belcher brought up. Those codes are not applicable for this project.
Jim Orton, County Council	Discusses consultation with Mr. McNulty and Mr. McMasters.
Commissioner Christie	Discusses her concern regarding her belief of disturbing aspects of this project regarding illegal grading.
Motion	<b>Matter is discussed, and thereafter, on motion of Commissioner Christie, to deny this project dies due to a lack of a second.</b>
Commissioner Gibson	Discusses permit for grading, and states the illegal grading was a mistake. States he is impressed with staff's work. Discusses calculated volume of disturbance.
Steve McMasters, staff, Commissioners	Discuss illegal grading and it's impact to current proposition and condition 46C. Fees discussed. Mitigation measures discussed for illegal grading and subsequent mitigations.
Commissioners	Discuss easements, and buildable open space parcel, and allowances of the uses for the open space parcel, options of how lot can be held.
Jim Orton, County Counsel	Discusses options for this project and open space easement.
Commissioners Gibson and Christie and Chairman Roos	Discuss creating a separate lot, extension of open space easement to include the remainder parcel, and cultural/archeological assessment before development occurs.
Jim Orton, County Counsel	Discusses lot having to comply with the zoning, and that it may require a certificate of compliance.
Commissioner Gibson	Discusses Page 6-10, Condition 8 regarding a detailed geotechnical investigation and asks if this needs to be approved by anyone.
Richard Marshall, Public Works	States the Public Works Department is not qualified to approve geotechnical reports. Discusses standard soils report.
Chairman Roos	Requests clarification on how many sewer hookups are in San Miguel. Discusses sewage increase and impacts.
Richard Marshall, Public Works	Clarifies sewage system use levels.
Commissioner Christie	Questions if this project would really require a street lighting plan. Discusses Kit Fox mitigation fee and feels it is not adequate.
Richard Marshall, Public Works	Comments on language for Condition 27 regarding street lighting plan on Page 6-12.
Commissioner Gibson	Requests clarification from staff as to what manner the Salinan Tribe would be represented in the funding.
Steve McMasters, staff	Discusses condition language to include the Salinan Nation be in the decision of how the funding will be spent.

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Commissioner Gibson	Discusses his concern over redundant conditions.
Motion	<p><b>Matter is fully discussed, and thereafter on motion of Commissioner Gibson, seconded by Commissioner Christie, and carried, with Commissioner Roos voting no, in the absence of Commissioners Rappa and Mehlschau, to certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION 2005-060 to grant a Vesting Tentative Tract 2725 to MISSION GARDENS ESTATE, INC./GORDON MARSHALL based on Findings in Exhibit A and based on Conditions in Exhibit B, with <u>Condition 4a</u> amended to read: “a road constructed to an A-1 (rural) section within a minimum 40 ft. dedicated right-of-way, minimum paved width 18 feet, from the property to 11<sup>th</sup> Street, and continuing along 11<sup>th</sup> Street to N Street”; Condition 4b amended to read: “A road constructed to an A-7(c) (gravel) section within a minimum 25 –foot emergency access easement, minimum improved width 18 feet, across lot 60 to County road 26, and continuing along County Road 26 to Mission Street. The design of this road shall comply with all requirements of the National Flood Insurance Program”; <u>Condition 27</u> amended to read: “Prior to approval of tract improvement plans, the applicant shall provide a street lighting plan if required by another agency. The plan shall include the height, location and intensity of all street lighting. All light fixtures shall be shielded so that neither the lamp nor the reflective interior surface is visible from adjacent areas. All light poles, fixtures and hoods shall be dark (non-reflective) colored. Street lighting shall be shielded so as not to create glare when viewed from the off-site areas with lighting heights no more than is absolutely necessary. The light poles and fixtures shall not be visible to travelers along Mission Street. Energy conserving street lighting shall be used”; <u>Condition 46c</u> added at the end “and representatives of the Salinan Tribe”; new <u>Condition 67</u> added to read: “Prior to the sale or development of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county which would include a subsurface investigation to confirm the presence and evaluate any potentially significant resources”, grant a Conditional Use Permit to MISSION GARDENS ESTATE, INC./GORDON MARSHALL based on Findings in Exhibit C and Conditions in Exhibit D, with <u>Condition 25c</u> amended by adding at the end “and representatives of the Salinan Tribe”; and Findings of Fact and statement of overriding considerations regarding the final Environmental Impact Report based on Exhibit E, adopted.</b></p>
Chairman Roos	States he will not support the motion due to lack of information/evidence provided in staff report and E.I.R.
Motion	<b>On motion of Commissioner Gibson, seconded by Commissioner Christie and carried, in the absence of Commissioners Rappa and Mehlschau, the Commission receives all documents presented today for the record.</b>
Motion	<b>On motion of Commissioner Gibson, seconded by Commissioner Christie and carried in the absence of Commissioners Rappa and Mehlschau, to adjourn to November 30, 2005 at 8:45.</b>

There being no further business, the meeting is adjourned.

Respectfully submitted,

Ramona Hedges, Secretary Pro Tem  
County Planning Commission

